

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Gale A. Rachuy,

08-MC-68 JMR/FLN

Plaintiff,

v.

O R D E R

Mark S. Rubin, et al.,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Franklin L. Noel dated March 20, 2009, all the files and records, and no objections having been filed to said Report and Recommendation,

IT IS HEREBY ORDERED that the Court's order dated February 27, 2009 [#6] is vacated and this matter is remanded to Magistrate Judge Noel to address the merits of the Plaintiff's petition.

DATED: April 15, 2009.
at Minneapolis, Minnesota

s/James M. Rosenbaum
JUDGE JAMES M. ROSENBAUM
United States District Court